

REMARKS

In an Office Action dated 28 December 2005 the Examiner subjected all pending claims 1-43 to a Restriction Requirement. More specifically, the Examiner is requiring a Restriction to Group I, claims 1-17, 33-36, 41 and 43, drawn to earplugs; Group II, claims 18-27, drawn to method of making an earplug; and Group III, claims 28-32 and 37-43, drawn to molds for forming earplugs.

Applicant notes that the Examiner includes claim 43 in both Groups I and III. Claim 43 depends from independent claim 37 and is directed to a mold for forming a foam earplug. Thus, the presence of claim 43 in Group I, drawn to earplugs, is believed to be the result of a typographical error. Accordingly, Applicant herein considers claim 43 as part of Group III which is drawn to molds for forming earplugs.

Applicant further notes that the Examiner includes claim 42 in Group III, drawn to molds for forming earplugs. However, claim 42 variously depends from independent claim 33 which is directed to an earplug. Applicant believes that the Examiner's inclusion of claim 42 in Group III is in error. Accordingly, Applicant herein considers claim 42 as part of Group I drawn to earplugs.

Applicant finally notes that the Examiner includes claim 41 in both Groups I and III. Claim 41 variously depends from independent claim 33 which is directed to an earplug. Thus, the presence of claim 41 in Group III, drawn to molds for forming earplugs, is believed to be in error. Accordingly, Applicant herein considers claim 41 as part of Group I drawn to earplugs.

Thus, Applicant submits that the accurate claim groupings are as follows: Group I – claims 1-17, 33-36, 41, and 42; Group II – claims 18-27; and Group III – claims 28-32, 37-40, and 43.

Applicant herein elects Group I, claims 1-17, 33-36, 41 and 42, without traverse, for prosecution on the merits in the above-identified application. Claims 18-32, 37-40 and 43 are herein correspondingly cancelled. Applicant reserves the right to pursue the non-elected claims in a divisional application(s) without prejudice in respect of the present election, cancellation, or otherwise.

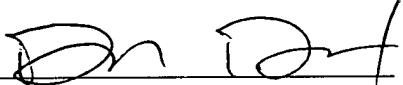
It is believed that the foregoing is fully responsive to the outstanding Office Action.

The Examiner is invited to contact Applicant's attorneys at the below listed telephone number concerning this response or otherwise regarding the present application.

If there are any charges with respect to this restriction requirement, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorney.

Respectfully submitted,

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Date: FEB. 17 - 2006